

Newburgh Town Council Meeting
Date: Wednesday, November 28, 2012

The Newburgh Town Council met in Executive Session on Wednesday, November 28, 2012, at 4:30 p.m. Those present at the meeting were Council President/Council-at-Large Leanna K. Hughes, District I William F. Kavanaugh, District II Tonya R. McGuire, District III Alonzo B. Moore, Jr., District IV Anne Rust Aurand, Town Manager Cynthia E. Burger and Lori Buehlman, and Town Attorney R. Thomas Bodkin. The purpose of the meeting was discussion of personnel matters and pending litigation.

5:30 p.m. Committee and Regular Session, Newburgh Town Hall, 23 W. Jennings, Newburgh, Indiana.

CALL TO ORDER

President Hughes called the Regular Session to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Newburgh Town Council.

A moment of silence was observed for the following:

Dr. Robert Colvin and former U.S. Rep. David L. Cornwell, who served one term in Congress from Indiana's 8th District.

ROLL CALL

Those present at the meeting were:

Council President, Council-at-Large - Leanna K. Hughes

District I - William F. Kavanaugh

District II - Tonya R. McGuire

District III - Alonzo B. Moore, Jr.

District IV - Anne Rust Aurand

Clerk-Treasurer - Rebecca J. Gentry

Town Manager - Cynthia E. Burger and Lori Buehlman

Town Attorney - R. Thomas Bodkin

APPROVAL OF MINUTES

MOTION by Mr. Kavanaugh to table the Approval of Minutes.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

SCHEDULED REQUESTS & APPEARANCES

None present.

PETITIONS AND COMMENTS FROM CITIZENS PRESENT

None present.

COMMISSION REPORTS

AIR AUTHORITY - Ms. Aurand

No report.

FIRE - Mr. Moore

Mr. Moore spoke about the fire that occurred last Saturday morning in which nine businesses and a church were destroyed. Mr. Kavanaugh stated the Newburgh Fire Department did a fine job and should be commended. He stated the council will work with the businesses to help them get reestablished. Ms. Aurand asked Mr. Moore to convey her gratitude to the fire department volunteers for their efforts and that she is proud of them.

HISTORIC PRESERVATION - Mrs. McGuire

No report.

PARK - Mrs. McGuire

Mrs. McGuire stated the Park Board will meet on December 6, 2012; the Park Master Plan will be adopted at the meeting.

PLAN - Ms. Aurand

The commission has not met since the last Town Council meeting.

POLICE - Mr. Kavanaugh

Mr. Kavanaugh stated that the Chief presented his first DARE class to the fifth and sixth graders on Monday at St. John. The Police Commission will meet on December 3, 2012. An officer candidate will be announced at the meeting; there will be discussion of a promotion as well. The Chief will graduate on December 15, 2012.

Chief Sprinkle stated he received a paperweight with the inscription 'Congratulations Module 4, PELA Leader's Leader'. There will be DARE graduation at Newburgh Elementary on December 5, 2012 at 9:00 a.m.

STORM WATER - Mr. Kavanaugh

Ms. Burger stated the next meeting will be on December 17, 2012.

STREETS - Mr. Moore

Mr. Moore reported the Street Department built a container on the back of the dump truck which was needed to hold the leaves gathered with the leaf vac. An alley behind 313 Locust was graded and pot holes in Forest Park were patched. French Island Trail was striped for vehicle traffic. The repair at Main and Cypress will be completed when the catch basins arrive.

UTILITY - Mrs. Hughes

Mr. Bodkin stated work was done in Forest Park to rebuild sewers. Three (3) easements needed to be acquired; two (2) are settled.

MOTION by Mr. Kavanaugh, on legal recommendation, to offer '\$8,000.00 and change' for the easement on the Swertfeger property.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

STANDING COMMITTEES

FINANCE - Mrs. Hughes

Mrs. Gentry has contacted the auditor's office regarding a tax settlement. She stated they responded that they have a glitch but hoped the settlement would be sent by the end of the year.

PERSONNEL – Mrs. McGuire

Mrs. McGuire stated the personnel committee met to review the salary ordinance which will be presented at the next meeting.

SPECIAL BOARDS/COMMITTEE REPORTS

MUSEUM – Mrs. Hughes

Mrs. Hughes stated the Museum Committee will meet with NBC after the first of the year regarding signage. The museum will be open from noon to 3:00 p.m. on Sunday during Newburgh Celebrates Christmas weekend. There will be some down time in January as the exhibits are changed and the hours may be reduced during the winter.

RIVERTOWN TRAIL – Mr. Kavanaugh

No report.

SIDEWALK – Mr. Kavanaugh

No report.

ZONING ADMINISTRATOR – Commissioner Ms. Aurand

No report.

CLERK-TREASURER – Rebecca J. Gentry

No report.

TOWN ATTORNEY – Mr. Bodkin/Chris Wischer

No report.

TOWN ENGINEER – Mr. Hynes

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve the contract amount of \$7,884.80 for the Westside Storm Water Drainage Project.

SECOND by Mr. Moore.

DISCUSSION: Mr. Hynes stated removal of the excess debris near the dam area was not included in the original contract.

MOTION carried: ayes 5, nays 0.

TOWN ADMINISTRATIVE MANAGER – Ms. Burger and Ms. Buehlman

Ms. Burger stated a security fence has been placed around Sharon Place.

The second pay requested has been submitted to NRCS for the Lock and Dam project. They are requesting a celebration date of either January 15 or 16 at 11:00 a.m. to take place at the cottages.

Ms. Buehlman took part in the safety training at the Waste Water Treatment Facility today and will attend the Police Department training on December 12. There will be a supervisor's meeting on Thursday to satisfy the required drug and alcohol probable cause training. A safety meeting will be held on December 11, 2012 and a personnel advisory meeting on December 13, 2012.

Ms. Buehlman thanked Ms. Burger, the council and all Town departments for their patience and support. Special thanks to the Street Department and Gerald for sprucing up the area for the holiday and Newburgh Celebrates Christmas this weekend.

UNFINISHED BUSINESS

1. Contract – Commonwealth Engineers, Inc. – Boyken Sanitary Sewer Extension, tabled November 14, 2012

MOTION by Mrs. McGuire to remove from table the Contract with Commonwealth Engineers, Inc. for the Boyken Sanitary Sewer Extension.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Ms. Burger stated this is a revised contract for the Boyken Sanitary Sewer Extension needed because sewer taps have been issued.

MOTION by Mr. Kavanaugh to approve the Commonwealth Engineers, Inc. contract for the Boyken Sanitary Sewer Extension in an amount not to exceed \$7,940.00 pending their presentation of Certification of Not Doing Business in Iran.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Change Order #2 – Darby Hills & Jefferson Street Sewer to Deig Bros. Lumber & Construction, tabled November 14, 2012

MOTION by Mrs. McGuire to remove from table Change Order #2, the Darby Hills & Jefferson Street Sewer Project.

SECOND by Ms. Aurand.

MOTION carried: ayes 5, nays 0.

Mr. Hynes stated the original contract was in the amount of \$407,795.00. The department did not want to expend the funds to fix all the items in the unit price bid thus the contract was lowered \$94,000.00. There is now a decrease in the project cost of \$146.00 following the balance change order. The adjusted contract is \$312,787.00.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve Change Order #2 to the lowered contract amount of \$312,787.00 for the Darby Hills & Jefferson Street Sewer Project to Deig Bros. Lumber & Construction.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

3. Pay Estimate #2 and Release of Retainage – Darby Hills & Jefferson Street Sewer to Deig Bros. Lumber & Construction, tabled November 14, 2012

MOTION by Mrs. McGuire to remove from table Pay Estimate #2, the Darby Hills & Jefferson Street Sewer Project.

SECOND by Ms. Aurand.

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve Pay Estimate #2 for the Darby Hills & Jefferson Street Sewer project to Deig Bros. Lumber & Construction in the amount of \$125,618.40.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh, on the engineer's recommendation, to approve the Release of Retainage for the Darby Hills & Jefferson Street Sewer project to Deig Bros. Lumber & Construction in the amount of \$13,139.35.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. Contract – Commonwealth Engineers, Inc. – ADA Compliance, tabled November 14, 2012

MOTION by Mrs. McGuire to remove from table the Contract with Commonwealth Engineers, Inc. for ADA Compliance.

SECOND by Ms. Aurand.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Ms. Burger stated the council received an e-mail today itemizing the number of intersections to be assessed: 77 visually assess, 58 measure, and provide an accommodation procedure cost estimate to proceed with commitment and schedule for the plan.

MOTION by Mr. Kavanaugh to approve the Contract with Commonwealth Engineers, Inc. for the ADA Compliance plan in the sum of \$8,400.00 pending their presentation of Certification of Not Doing Business in Iran.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

NEW BUSINESS

1. Ordinance 2012-24 – Additional Appropriation-Police Continuing Education

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2012-24, Additional Appropriation for Police Continuing Education.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2012-24, an ordinance of additional appropriation.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2012-24, Additional Appropriation for Police Continuing Education.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

MOTION by Mr. Kavanaugh for the second reading of Ordinance 2012-24, Additional Appropriation for Police Continuing Education.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

Mr. Bodkin read Ordinance 2012-24, an ordinance of additional appropriation.

MOTION by Mr. Kavanaugh to adopt Ordinance 2012-24, Additional Appropriation for Police Continuing Education.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

2. Ordinance 2012-25 – Regarding the Direction of Monroe Street

MOTION by Mr. Kavanaugh for the first reading of Ordinance 2012-25, Regarding the Direction of Monroe Street.

SECOND by Mrs. McGuire.

DISCUSSION: None

MOTION carried: ayes 4, nays 1 (Ms. Aurand).

Mr. Bodkin read Ordinance 2012-25, an ordinance amending the Newburgh Code of Ordinances to create Monroe as a one-way street south bound.

MOTION by Mr. Kavanaugh to accept the first reading of Ordinance 2012-25, Regarding the Direction of Monroe Street.

SECOND by Mrs. McGuire.

DISCUSSION: Thomas Merrill, who resides at 101 W Jennings, stated he agrees the one-way should head south. Mr. Kavanaugh felt there are two (2) issues regarding Monroe as it is now: the difficulty of driving the street with parked vehicles on both sides of the street and traffic heading in both directions, and the difficulty of pulling out onto Jennings from Monroe due to poor visibility. This ordinance corrects both of those issues. Ms. Aurand stated it is silly to have two (2) one-way streets heading in the same direction within one (1) block of each other. This will force traffic to head north on Madison which also has parking on both sides of the street and there exists the difficulty of pulling out onto Jennings from Madison due to poor visibility. Madison is one of the narrowest and most parked streets in this area. Ms. Aurand suggested the removal of the decorative bricks on the southwest corner of Jennings and Monroe to make it wider and to limit parking to the west side of Monroe going down to the driveway behind the condos. Ms. Aurand feels if the street is going to be made a one-way it should be one-way north. Mr. Moore feels making Monroe a one-way is a mistake. Kathy Merrill, 101 W Jennings, stated she believes there is room for only three (3) vehicles not four (4) and making Monroe a one-way will solve the problem. Ms. Aurand stated that part of the safety issue lies in the placement of the utility poles; the utility company is unwilling to work with the Town to rectify the issue.

ROLL CALL VOTE: Kavanaugh, aye; Moore, nay; Hughes, aye; McGuire, aye; Aurand, nay.

Mr. Bodkin stated the ordinance is now continued to the next meeting for the second reading and possible adoption. State statute prohibits the ordinance from adoption on the same night unless there is a unanimous consent to do so.

3. AT&T Business Contract

MOTION by Mrs. McGuire to approve the AT&T Measured Business Contract for thirteen lines at \$24.00 per line for 36 months.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

4. AFLAC Contract Renewal

MOTION by Mr. McGuire to approve the updated AFLAC Contract at no cost to the Town.

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

5. Midwest Telecom Contract

Ms. Burger stated the contract is to rent an NECSV 8100 Town Offices Solutions phone system for the Town which includes service calls and updates.

MOTION by Mr. McGuire to approve the Midwest Telecom Contract in the amount of \$330.00 per month.

SECOND by Mr. Kavanaugh.

DISCUSSION: The system will save \$80.00 per month versus the current AT&T contract. Ms. Burger stated the Town is hoping to recoup the \$8,700.00 charge owed to AT&T.

MOTION carried: ayes 5, nays 0.

MISCELLANEOUS BUSINESS

Mr. Kavanaugh again reiterated that the Town will do what they can to assist the Sharon Place business owners reestablish themselves. If the building is rebuilt, it will likely be improved and there will be a new assessed value of a brand new building.

Ms. Aurand stated the Newburgh Celebrates Christmas event is this weekend. Sunday, the lighting of the tree takes place at 5:00 p.m. following the Castle Knight Sensations performance.

Ms. Burger stated the Trolley was in for minor repairs.

MOTION by Mr. Kavanaugh to approve the Vectren Reimbursement Agreement to relocate the gas line at the Lock and Dam in the amount of \$5,993.28.

SECOND by Mr. Moore.

DISCUSSION: The project will take a week to ten (10) days. The cottages may be open for Christmas. The gas line relocation will not be reimbursed by FEMA. The cost to relocate the utility lines underground are cost prohibited and again it is disturbing that the utilities, AT&T and Vectren, will not work with the Town.

MOTION carried: ayes 5, nays 0.

Ms. Burger will schedule a meeting with the Ohio Township Trustee regarding Newburgh Volunteer Fire Department concerns and the reallocation of funding.

APPROVAL OF CLAIMS

MOTION by Mr. Moore that all claims be paid in the following amounts:

Civil Town: \$189,150.35.

Sewer Operations: \$427,475.75

SECOND by Mr. Kavanaugh.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

ADJOURNMENT

MOTION by Mr. Kavanaugh to adjourn the meeting.

SECOND by Mr. Moore.

DISCUSSION: None

MOTION carried: ayes 5, nays 0.

APPROVED this 12th day of December, 2012

Newburgh Town Council

Joanna A. Hughes
President

ATTEST:

Rebecca J. Gentry
Clerk-Treasurer